

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 998 By: Murdock of the Senate
3 and
4 Patzkowsky of the House
5
6

7 [Groundwater Irrigation District Act - whole
8 counties - petition - political subdivisions of the
9 state - district board - codification - effective
10 date]

11 AMENDMENT NO. 1. Delete the stricken title, enacting clause and
12 entire bill and replace with:

13 "An Act relating to water; amending 82 O.S. 2011,
14 Section 1020.15, which relates to waste prohibition;
15 clarifying language; declaring the taking and use of
16 marginal water to be considered a beneficial use;
17 requiring the Oklahoma Water Resources Board
18 promulgate and implement certain rules; stating that
19 any use of marginal water is in addition to any
20 domestic use or any other permitted use; providing
21 for codification; and providing an effective date.

22 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

23 SECTION 1. AMENDATORY 82 O.S. 2011, Section 1020.15, is
24 amended to read as follows:

Section 1020.15 A. The Oklahoma Water Resources Board shall
not permit any ~~fresh~~ groundwater user to commit waste by:

- 1 1. Drilling a well, taking, or using ~~fresh~~ groundwater without
2 a permit, except for domestic use;
- 3 2. Taking more ~~fresh~~ groundwater than is authorized by the
4 permit;
- 5 3. Taking or using ~~fresh~~ groundwater in any manner so that the
6 water is lost for beneficial use;
- 7 4. Transporting ~~fresh~~ groundwater from a well to the place of
8 use in such a manner that there is an excessive loss in transit;
- 9 5. Using ~~fresh~~ groundwater in such an inefficient manner that
10 excessive losses occur;
- 11 6. Allowing any ~~fresh~~ groundwater to reach a pervious stratum
12 and be lost into cavernous or otherwise pervious materials
13 encountered in a well;
- 14 7. Permitting or causing the pollution of a fresh water strata
15 or basin through any act which will permit fresh groundwater
16 polluted by minerals or other waste to filter or otherwise intrude
17 into such a basin or subbasin. The Board shall be precluded from
18 determining whether waste by pollution will occur pursuant to the
19 provisions of this paragraph if the activity for which the applicant
20 or water user intends to or has used the water as specified under
21 Section 1020.9 of this title is required to comply with rules and
22 requirements of or is within the jurisdictional areas of
23 environmental responsibility of the Department of Environmental
24

1 Quality or the Oklahoma Department of Agriculture, Food, and
2 Forestry;

3 8. Drilling wells and producing ~~fresh~~ groundwater therefrom
4 except in accordance with the well spacing previously determined by
5 the Board;

6 9. Using ~~fresh~~ groundwater for air conditioning or cooling
7 purposes without providing facilities to aerate and reuse such
8 water; or

9 10. Failure to properly plug abandoned ~~fresh~~ water wells in
10 accordance with rules of the Board and file reports thereof.

11 B. Except as otherwise provided by paragraph 7 of subsection A
12 of this section, any employee of the Board having evidence that an
13 act of waste is being committed in his or her presence, or after
14 investigation of a complaint filed by another individual, shall take
15 steps to assure that the waste ceases. Such steps shall include but
16 shall not be limited to pursuing voluntary compliance, obtaining the
17 issuance of a cease and desist order by the Executive Director,
18 instituting action in a court of competent jurisdiction to enjoin
19 the waste, pursuing a suspension of any permit or other
20 administrative remedies by the Board, and filing a complaint in the
21 district court of the county wherein such violation has occurred,
22 and it shall be the duty of the district attorney of said county to
23 prosecute such complaint.

24

1 C. In cases of waste by pollution pursuant to paragraph 7 of
2 subsection A of this section, any complaint or investigation, or any
3 enforcement matter other than an individual proceeding involving the
4 suspension of an Oklahoma Water Resources Board permit shall be
5 referred to and subject to the jurisdiction of the Department of
6 Environmental Quality or other appropriate state environmental
7 agency or state agency with limited environmental responsibility.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1021.1 of Title 82, unless there
10 is created a duplication in numbering, reads as follows:

11 A. The ability to take and use marginal water has the potential
12 to augment water supply in many areas of Oklahoma. Therefore, the
13 taking and use of marginal water in accordance with the Oklahoma
14 Groundwater Law and the rules of the Oklahoma Water Resources Board
15 shall be considered a beneficial use and not waste. Except as
16 provided in this section and Sections 1020.15 and 1020.16 of Title
17 82 of the Oklahoma Statutes, the provisions of this act shall not
18 apply to the taking and use of marginal water.

19 B. The Oklahoma Water Resources Board shall promulgate and
20 implement rules for the taking and use of marginal water, including
21 the well construction standards, well spacing, and water use
22 reporting. Rules related to well construction standards shall
23 ensure that the taking and use of marginal water shall not impair
24 any fresh water basins, and shall include, but not be limited to,

1 the rate of withdrawal, the level of perforating and the level of
2 sealing the well.

3 C. Any use of marginal water under this section is in addition
4 to any domestic use authorized under Section 1020.3 of Title 82 of
5 the Oklahoma Statutes or any other use authorized pursuant to a
6 permit issued under Section 1020.11 of Title 82 of the Oklahoma
7 Statutes.

8 SECTION 3. This act shall become effective November 1, 2019."

9 Passed the House of Representatives the 25th day of April, 2019.

10

11

12

Presiding Officer of the House of
Representatives

13

14

Passed the Senate the ____ day of _____, 2019.

15

16

17

Presiding Officer of the Senate

18

19

20

21

22

23

24

1 ENGROSSED SENATE
2 BILL NO. 998

By: Murdock of the Senate

3 and

4 Patzkowsky of the House

5
6 [Groundwater Irrigation District Act - whole
7 counties - petition - political subdivisions of the
8 state - district board - codification - effective
9 date]

10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1021.1 of Title 82, unless there
13 is created a duplication in numbering, reads as follows:

14 This act shall be known and may be cited as the "Groundwater
15 Irrigation District Act".

16 SECTION 5. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1021.2 of Title 82, unless there
18 is created a duplication in numbering, reads as follows:

19 As used in this act:

- 20 1. "Board" means the Oklahoma Water Resources Board;
- 21 2. "District" means a groundwater irrigation district;
- 22 3. "District board" means the board of a groundwater irrigation
23 district; and

24

1 4. "Permit holder" means a person who possesses a permit to use
2 groundwater as provided for in Section 1020.11 of Title 82 of the
3 Oklahoma Statutes;

4 SECTION 6. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1021.3 of Title 82, unless there
6 is created a duplication in numbering, reads as follows:

7 A. If eight percent (8%) of permit holders in a proposed
8 groundwater irrigation district desire to provide for the assistance
9 and procurement of conservation grant funding for groundwater
10 irrigation of such irrigable lands, the holders may propose the
11 organization of a groundwater irrigation district by petition
12 pursuant to this act.

13 B. Groundwater irrigation districts shall be comprised of a
14 whole county or whole counties adjacent to one or the other but
15 shall only include permit holders who desire to participate in the
16 district. Any permit holder who does not desire to participate
17 shall not be included upon a written document stating such to the
18 district board.

19 SECTION 7. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1021.4 of Title 82, unless there
21 is created a duplication in numbering, reads as follows:

22 The petition shall be signed by the petitioners, filed with the
23 county commissioners of a petitioning county and the county
24

1 commissioners of a participating adjacent county within the proposed
2 district, and shall contain the following information:

3 1. A specific description of the county or counties within the
4 proposed district;

5 2. The names and addresses of all of the permit holders who
6 have signed the petition within the proposed district as reflected
7 by the permit records of the Oklahoma Water Resources Board;

8 3. The proposed plan of organization, operation and such
9 additional data and information required by rules of the Board; and

10 4. A request that the district be organized.

11 SECTION 8. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1021.5 of Title 82, unless there
13 is created a duplication in numbering, reads as follows:

14 A. After receipt of the petition, the county commissioners and
15 the county commissioners of any participating adjacent county shall:

16 1. Verify the authenticity of each signatory whose address is
17 located within the county;

18 2. Coordinate with the Oklahoma Water Resources Board and, if
19 necessary, the adjacent counties to verify that eight percent (8%)
20 of permit holders within the proposed district have signed the
21 petition; and

22 3. If, upon consideration, it shall be found that such petition
23 is in conformity with the requirements of this act, and that such a
24 district should be created, the board of county commissioners shall

1 thereupon immediately declare the land described in the petition or
2 any part thereof to be incorporated as a district under the name of
3 "Groundwater Irrigation District No. _____, _____ County, Oklahoma"
4 (inserting number in order of incorporation and name of county) and
5 thereupon the district shall be a body politic and corporate and an
6 agency and legally constituted authority of the State of Oklahoma
7 for the public purposes set forth in this act. The board of county
8 commissioners shall thereupon enter upon its records full minutes of
9 such hearing, together with its order creating the district under
10 the corporate name for the purposes of this act. Such districts
11 shall not be political corporations or subdivisions of the state
12 within the meaning of any constitutional debt limitations, nor shall
13 the districts have any power or authority to levy any taxes
14 whatsoever or make any assessments on property, real or personal.

15 B. After the county commissioners and the county commissioners
16 of any participating adjacent county have submitted a request for
17 the formation of a groundwater irrigation district, each county
18 board of commissioners shall assign members of the initial district
19 board. A county board of commissioners shall select three members
20 representing groundwater irrigation users within the county. If
21 multiple counties reside within the district, each county shall have
22 equal representation on the district board. Each of the three
23 members of the initial district board shall be groundwater permit
24 holders who irrigate in the county.

1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1021.6 of Title 82, unless there
3 is created a duplication in numbering, reads as follows:

4 At the time and place established by the county commissioners
5 and the county commissioners of any participating adjacent county
6 for the first meeting of the initial district board, the initial
7 district board shall adopt bylaws. In addition to any other
8 provisions normally and properly included in bylaws, the bylaws
9 shall, at a minimum, include provisions regarding the following:

10 1. Establishing the district's name and principal place of
11 business;

12 2. Requiring an annual meeting of the district board and
13 providing that a notice of such annual meeting be given, not less
14 than fifteen (15) days prior to the annual meeting, in newspapers
15 that are published in counties within the district. If no newspaper
16 is published in the county, the notice shall be posted in three
17 public places in the county, one of which shall be the county
18 courthouse; and

19 3. Requiring that the initial district board pursuant to the
20 provisions of this section shall:

21 a. establish the composition of the district board,
22 qualifications of the members and a process to elect a
23 board of directors within one (1) year of the approval
24 of the district by the Oklahoma Water Resources Board,

